

Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks.

Currently, claims 1-24 are pending in the subject application, of which claims 1, 3, 6, 8, 11, 15, 18, and 22 are independent claims.

Concerning Item 1 of the subject Office action, the Examiner objects claims 1-24 as having typographical and grammatical errors. Applicants have amended the claims throughout to correct the typographical and grammatical errors. No new matter is believed entered by any of these amendments. Applicants respectfully request withdrawal of objection.

Concerning Item 3 of the subject Office action, the Examiner rejects claim 5 as indefinite under 35 U.S.C § 112. Specifically, the examiner objects to the term "a security." Applicant has amended the claim to recite, "a security feature ..." As the Examiner noted, a security feature as understood by one of ordinary skill in the art, might include a physical security force, a username/password combination, an encryption method, or any other measure to protect the graphical user interface. Applicant contends that the term "security feature" would be readily understood by those having skill in the art to incorporate any such suitable features. In light of the amendment to claim 5, applicant respectfully requests withdrawal of the § 112 rejection.

The Examiner has also rejected claim 9 as indefinite and unpatentable under 35 USC § 112. Specifically, the Examiner objects to the language "a first tool adapted to retain one or more *customers* ..." because it is unclear whether the term *customers* refers to customer records, customer accounts, or customer satisfaction levels. (emphasis added). Applicant has amended the language in claim 9 to recite: "a first tool adapted to retain one or more *customer accounts*

..." (emphasis added). Applicant believes that amended claim 9 is no longer ambiguous; one of ordinary skill in the art would recognize the term *customer accounts* to refer to a collection of information relating to customer accounts. Applicants believe no new matter has been added by these amendments and clarifications. Applicants respectfully submit that, in light of the amendments mentioned above, claim 9 is not indefinite, and requests withdrawal of the rejection under 35 USC § 112.

Concerning Item 4 of the subject Office action, the Examiner rejects claims 8-17 and 22-24 under 35 USC § 101 as directed to non-statutory subject matter. The Examiner rejects Claims 8-10 because they are "drawn to a system comprising a software process housed in a medium." Applicants have amended independent claims 8 which recites in relevant part: "A system computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by a processor, cause the processor to perform operations ..." Applicants submit that amended claim 8 recites patentable subject matter and is consistent with the holding in *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995) (hereinafter "Beauregard"). Claims 9-10 are ultimately dependant upon claim 8 and, accordingly, Applicants believe they are also consistent with Beauregard. Applicants respectfully request withdrawal of the rejection to claims 8-10 under 35 USC § 101.

The Examiner further rejects Claims 11-14 because they are "drawn to a system including a software product." Applicants have amended independent Claim 11 which recites in relevant part: "A computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by a processor, cause the processor to perform operations ..." Applicants submit that amended claim 11 recites patentable subject matter and is consistent with the holding in Beauregard. Claims 12-14 are ultimately dependant

upon claim 11 and, accordingly, Applicants believe they are also consistent with Beauregard. Applicants respectfully request withdrawal of the rejection to claims 11-14 under 35 USC § 101.

The Examiner rejects Claims 15-17 because they are "drawn to a system comprising a graphical user interface." Applicants have amended independent Claim 15 which recites in relevant part: "A computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by a processor, cause the processor to perform operations ..." Applicants submit that amended claim 15 recites patentable subject matter and is consistent with the holding in Beauregard. Claims 16 and 17 are ultimately dependant upon claim 15 and, accordingly, Applicants submit they are also consistent with Beauregard. Applicants respectfully request withdrawal of the rejection to claims 15-17 under 35 USC § 101.

The Examiner rejects Claims 22-24 because they are "drawn to a system comprising a services unification module." Applicants have amended independent Claim 22 which recites in relevant part: "A computer program product residing on a computer readable medium having a plurality of instructions which, when executed by a processor cause the processor to perform operations ..." Applicants submit that amended claim 22 recites patentable subject matter and is consistent with the holding in Beauregard. Claims 23 and 24 are ultimately dependant upon claim 22 and, accordingly, Applicants believe they are also consistent with Beauregard. Applicants respectfully request withdrawal of the rejection to claims 22-24 under 35 USC § 101.

Concerning Item 6, the Examiner rejects Claims 1-16 and Claims 18-24 as anticipated by Marpe et al. (U.S. Patent 6,671,692) (hereinafter "Marpe").

Applicant has amended claim 1 to recite:

1. A method for managing a corporate restructuring of at least two organizations, the method comprising:

providing a deal selection process comprising identifying acquisition objectives and strategies and searching for one or more best fit target organizations;

providing a transaction execution process;

providing of an integration planning process;

providing of an integration execution process; and

providing of a post-integration assessment process.

Marpe does not disclose a "deal selection process comprising identifying acquisition objectives and strategies and searching for a best fit target organization." Rather, Marpe discloses an "Analyze target phase" where the "organization begins a detailed assessment of a specific target." (Marpe column 53, lines 55-62). Marpe's disclosure is directed at analyzing a specific target and implies that by the time Marpe's "analyze target phase" begins, the target merger organization has already been chosen. In contrast, claim 1 recites a method including, in part, "identifying acquisition objectives and strategies and *searching for one or more best fit target organizations.*" (Emphasis added). Claim 1 provides a method including searching for and targeting a merger organization (See applicant's specification paragraph 41). In contrast, Applicants contend that Marpe's disclosure does not include a method that searches for one or more best fit target organizations. Rather, Marpe's disclosure implies that one or more merger targets have already been found and that there is no further need to search for merger targets (See Marpe column 53, lines 41-62). Applicants respectfully contend that amended claim 1 is patentable over Marpe because Marpe fails to disclose each and every element of amended claim 1. Claim 2 (which was dependent upon claim 1) has been cancelled and replaced by new claims 25 and 26. Claims 25 and 26 are dependant upon claim 1. Applicants believe that claims 25 and 26 are similarly patentable over Marpe. No new matter is believed entered by these amendments. Accordingly, Applicant respectfully requests withdrawal of the of claim 1 under 35 USC § 102 rejection.

The Examiner rejects Claim 3 as anticipated by Marpe. Claim 3 recites, in part, "providing a single logically distributed computer-based information system across one or more computer-based information systems of at least two enterprises being combined." Marpe does not disclose a single logical computer-based information system that spans across one or more computer-based information systems of the at least two enterprises being combined. Rather, Marpe discloses a "centralized server that can be accessed over a network." (Marpe column 9, lines 26-28). Applicants submit that Marpe does not anticipate applicant's Claim 3 because Marpe fails to disclose a single logically distributed system that spans one or more information system of at least two enterprises. Applicants further asserts that Marpe does not anticipate Claims 4-5, ultimately depending upon claim 3, for the reasons discussed above. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 3-5 under 35 USC § 102.

The Examiner rejects Claim 6 as anticipated by Marpe. Claim 6 recites a method including "facilitating consolidation of customer-related information ... wherein the consolidation includes matching one or more customer accounts of the organizations." Marpe is not understood to disclose "matching one or more customer accounts of the organizations." Marpe discloses consolidation of the "complete range of activities" involved in a merger, but the "complete range of activities" is a broad term that, due to the vast and complex nature of mergers and acquisitions, is not understood to explicitly or implicitly disclose the matching of customer accounts across the merger organizations. (Marpe column 10, lines 18-21) Marpe also discloses "consolidation of projects." (Marpe column 9, lines 34-36). However, this disclosure is also not understood to teach, or even suggest, matching customer accounts across the merger organizations. Marpe speaks in broad terms about the consolidation of projects, but projects and customer accounts are distinct concepts. A project is a task or goal whereas a customer account

is a collection of information about a merger company's customers. Accordingly, Applicants do not believe that Marpe discloses the matching of customer accounts. Accordingly, Applicants submit that claim 6 is patentable over Marpe. Since claim 7 is dependent upon claim 6, Applicants believe that claim 7 is also patentable over Marpe. Applicants respectfully request withdrawal of the rejection of claims 6 and 7 under 35 USC § 102.

The Examiner rejects Claim 8 as anticipated by Marpe. Applicant has amended Claim 8 which recites in relevant part: "presenting a user interface adapted to assist customer satisfaction during a merger period, by including one or more of: a customer satisfaction statistic, a customer satisfaction rate, a customer satisfaction survey, a movement of a customer satisfaction statistic, and a movement of a customer satisfaction rate." Applicants respectfully submit that amended claim 8 is not anticipated by Marpe. Marpe does not disclose a user "interface adapted to assist customer satisfaction during a merger period." Moreover, applicant contends that Marpe does not disclose any of the specific indicia of customer satisfaction recited by claim 8, including, for example, "a customer satisfaction statistic, a customer satisfaction rate, a customer satisfaction survey, a movement of a customer satisfaction statistic, and a movement of a customer satisfaction rate." Applicants respectfully submit that Marpe is not understood to disclose a system or method that is targeted to include customer satisfaction as an element of the merger process or of the user interface. Accordingly, Applicants respectfully submit that claim 8 and dependant claims 9 and 10 are patentable over Marpe based upon the aforementioned deficiencies. Applicants respectfully request withdrawal of the rejection of claims 8-10 under 35 USC § 102.

The Examiner rejects Claim 11 as anticipated by Marpe. In relevant part, independent claim 11 recites: "... wherein the sales-related activities include at least one of sales

consolidation, cross selling activities, and customer retention of the organizations." Applicants respectfully submit that Marpe does not disclose a system that facilitates sales-related activities including *sales consolidation and cross selling activities*. Marpe discloses sales related activities generally, but does not disclose "sales consolidation" and "cross selling." As readily understood by one having ordinary skill in the art, sales consolidation is a term of art that may refer to the consolidation of sales of one or more organizations during a merger or acquisition. As also readily understood by one having ordinary skill in the art, in this context, cross selling is a term of art that may refer to the identification and exploitation of sales opportunities across one or more companies during a merger or acquisition; the merger organizations may identify sales opportunities through the other merger organizations. Marpe is not understood to teach, or even suggest, the specific concepts of sales consolidation and cross selling across merger organizations. Applicants submit that the specific activities of sales consolidation and cross selling across organizations involved in a merger are not anticipated by Marpe. Accordingly, Applicants respectfully submit that claim 11 and dependant claims 12-14 are patentable over Marpe. Applicant respectfully requests withdrawal of the rejection of claims 11-14 under 35 USC § 102.

The Examiner rejects Claim 15 as anticipated by Marpe. Similar to claim 6, Claim 15 recites, in part, a method "wherein ... the consolidation includes matching one or more customer accounts of the organizations." As discussed in regard to claim 6, Marpe is not understood to disclose "matching one or more customer accounts of the organizations." Marpe discloses consolidation of the "complete range of activities" involved in a merger, but the "complete range of activities" is a broad term that, due to the vast and complex nature of mergers and acquisitions, does not explicitly or implicitly disclose, or even suggest, the matching of customer

accounts across the merger organizations. (Marpe column 10, lines 18-21) Marpe also discloses "consolidation of projects." (Marpe column 9, lines 34-36). However, as also discussed above, Applicants respectfully submit that Marpe does not disclose a method for matching customer accounts across the merger organizations. Marpe speaks in broad terms about the consolidation of projects, but projects and customer accounts are distinct concepts. For example, a project is a task or goal where a customer account is a collection of information about a merger company's customers. Accordingly, Applicants respectfully submit that claim 15 is patentable over Marpe. Since claim 16 is dependent upon claim 15, Applicants submit that claim 16 is also patentable over Marpe. Applicants respectfully request withdrawal of the rejection of claims 15 and 16 under 35 USC § 102.

The Examiner rejects Claim 18 as anticipated by Marpe. In relevant part, claim 18 recites: " a list of action items." Applicant believes Marpe does not disclose a list of action items. Marpe discloses "issue management." (Marpe column 34, lines 9-67, column 35, lines 1-12). However Applicants submit that "action items" and "issues" are different objects. For example, an action item is understood to be directed toward an action or task that must be performed by a person, group, or entity. In contrast, an issue is an area of concern. For example, an issue may require resolution, which may further imply action, but this is not always the case. Often times issues require no action and are only noted for informational purposes. An action item, however, is understood to be directed to the execution of a task – the performance and completion of a requirement. Accordingly, Applicants believe that Marpe does not disclose a list of action items related to a merger and/or acquisition. Applicants, therefore, respectfully submit that claim 18 is not anticipated by Marpe and requests withdrawal of the rejection of claim 18, and dependant claims 19-21, under 35 USC § 102.

The Examiner rejects claim 22 as anticipated by Marpe. In relevant part, claim 22 recites: "a list of user roles." Applicants contend that Marpe does not disclose a "list of user roles." Marpe discloses a list of contacts (Marpe column 43, lines 13-67) but Marpe's contact list is directed toward a user's contact information, such as telephone number and address. Applicants submit that Marpe's contact list is not directed toward information about the user's role, nor do Applicants understand Marpe to disclose a "list of roles" that includes at least one role for "customers, services taskforce members, service representatives, and integration project managers." User roles and contacts are different; a user role would be clearly understood to refer to an entity's station, purpose, goals, organizational placement, or activities within the merger organization while a contact refers to a collection of ways and means to contact an entity, such as a phone number or address. Applicants respectfully submit that claim 22 is patentable over Marpe because Marpe does not disclose each and every element of claim 22. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 22, and dependant claims 23-24, under 35 USC § 102.

Regarding Item 8, the Examiner rejects Applicants' Claim 17 as obvious under 35 USC § 103(a) based on the teachings of Marpe. Claim 17 is dependant upon independent claim 15. As discussed above, Applicants submit that claim 15 is patentable over Marpe, in that Marpe neither teaches nor suggests every aspect of independent claim 15. Moreover, in relevant part 17 recites a "second list of customer accounts related to un-matched accounts." As the Examiner noted, Marpe does not disclose a list of un-matched accounts. Applicants respectfully submit that one of ordinary skill in the art would not be motivated to apply an un-matched accounts criterion to display a second list in order to provide executives with detailed information because it is not understood that presenting such a list is necessary to facilitate a merger and/or acquisition.

Additionally, the presentation of un-matched accounts in a second list calls special attention to the un-matched accounts. The un-matched list represents a discrepancy in the matching and pairing of the accounts across one or more merger organizations. Presenting a second list of accounts separates the un-matched accounts into their own category; it alerts executives that the un-matched accounts are items that may need extra care and attention. Separation of the un-matched accounts provides an additional, unanticipated benefit in that it flags the un-matched accounts as an important discrepancy and calls them to direct attention. Applicants respectfully submit that Marpe does not suggest that un-matched accounts require additional attention or that they should be flagged in their own separate list. Accordingly, Applicants respectfully contend that an un-matched list in Claim 17 is not an obvious innovation, and that Marpe does not disclose, or even suggest, each and every element of the Claim 17. Applicants respectfully request withdrawal of the rejection of claim 17 under 35 USC § 103(a).

In light of the amendments described above, Applicants respectfully assert that the subject application is in condition for allowance. The Examiner is invited to telephone Applicants' attorney (@ 617-305-2143) to facilitate prosecution of this application.

While no additional fees are believed necessitated by this response, in the event that additional fees are payable, please charge our Deposit Account No. 50-2324 as necessary.

Inventor: Schwerin-Wenzel et al.
Serial. No.: 10/768,967
Filed: 30 January 2004
Page: 21 of 21

Respectfully Submitted,

Date: 11 September 2007

/Brian J. Colandreo/
Brian J. Colandreo
Reg. No. 42,427

Holland & Knight LLP
10 St. James Avenue
Boston, MA 02116-3889
Telephone: 617-305-2143
Facsimile: 617-523-6850

4730989_v4